

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w* PUBLIC HEARING
THURSDAY, June 22, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Jeff Antalek, Town Highway Superintendent (HSupt)
Adrian Ooms ("AO")	Corey Schaeffen, applicant
Stephen Day ("SD")	Members of the Public:
Lee Gagne ("LG") REMOTELY	Linda Murawski
Absent: Melissa Voorhees Rouse ("MR")	Liz Smith
	Andrew Stanley
	Greg Walsh
	Austin Coon, applicant

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman announced that Stephen Day, Deputy Chair, would be conducting the meeting tonight. SD then called the meeting to order at 7:03 pm with the pledge of allegiance, introduced the board members and stated a quorum was present and stated the board would move the approval of the minutes from the May 25th meeting to the end of this meeting. He opened the public hearing at 7:05 pm and invited Corey to come forward and address the board.

PUBLIC HEARING (Continued from May 23 meeting):

Application Part IV for Fence Variance from Corey Schaeffen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220 Applicant, Corey Schaeffen, described the several short videos he provided to the board that give different aspects of where the fence line will be as he has placed 2 posts on his lawn. The board was shown the videos. He explained that he too is very concerned about safety as are the neighbors and wants to maximize the use of his property.

Neighbor, Andrew Stanley, addressed the board based on the letter he had written that he is very concerned about safety, and making this intersection more obstructed doesn't seem justifiable. The current intersection is not safe as it is, and if there are accidents, how can it be reversed? He thanked the board for their consideration of his concerns.

Jeff Antelek, Town Highway Superintendent, met with Corey the day after the May 25th meeting and now feels the fence would be fine after seeing the property. He also called the State DOT who was more concerned with the trees that will overhang the fence and recommended the fence be on the other side of the trees. Overall, Jeff doesn't believe it will impede the sight distance. The State DOT said it must not be any closer than 25 feet from the center of Rte. 203. Regarding the plows for the town, Jeff said the drivers

will be higher than normal automobiles and in the winter the trees will not have leaves, so the sight distance should be fine.

Elizabeth Smith, neighbor on Crestview, says it seems no one is sure the fence in front will be ok. She has no problem if it were placed behind the trees.

Greg Walsh, neighbor, asked what kind of fence it would be and was shown a rendering. He doesn't see a problem with the placement if approved.

SD asked for further comments; there being none, he moved to close the public hearing; all in favor; motion passed and public hearing closed at 7:23 pm. Chairman explains that safety is a serious concern and asks if Corey would be willing to consider moving the fence behind the trees. Corey asks if he can ask his wife by text. SD asks for the exact measurement of the fence line, particularly the line on Crestview, so the building inspector will be able to affirm the placement. Corey doesn't have it but can provide it. Chairman said they need to determine the amount of variance on all sides for the minutes and, if approved, for the final resolution and for the building inspector. Corey said the trees are approximately 28-30 feet from the center of the road and the fence is proposed for 25 feet. SD said he started out with an angled corner and then it was revised to a radius. Chairman asks the distance from the trees to the edge of the road. Corey said the trees are roughly 28 feet from the center of the road and on the Crestview side are about 40 feet from the corner. After further discussion, LG says the trees are at 28 feet, and if the fence is at 27 feet, it would still be 1 foot in front of the trees, keeping the trees on the inside (toward the house); would that be acceptable?. Corey said, sure, he would agree to that; if he can keep the trees on the inside, then yes. LG if you say 27 feet is the number you need, the board needs to be sure so that it goes in the record. Corey again says yes, he agrees to the 27 feet distance from the center of the road.

Members of the public ask to speak, and SD moves to reopen the public hearing for further input; AO seconds, Chairman votes yea; LG votes nay; motion passes to reopen the public hearing at 7:42pm.

Andrew Stanley adds 2 points: this was self-created. Applicant told me he didn't look at the zoning law before purchasing the property. A good compromise would be to have the fence closer to the house according to the current zoning laws. Also, an engineer or traffic study might be necessary to prove the accessibility of turning on to Rte 203. The burden of proof should be on the applicant. Liz Smith comments that the berm is the hindrance to sight. SD asks for any further comments; there being none, he moves to close the public hearing; Chairperson seconded; all in favor; public hearing closed at 7:46 pm.

SD then reviews the 5 criteria:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? The board members agreed it wouldn't be a change in the neighborhood or a detriment.
2. are there any other means or methods feasible other than granting a variance? Chairman said the alternatives have been discussed; now the setback is 27 feet from the center of Rte 203 and still in front of their trees.
3. whether the requested area variance is substantial, and the answer is yes, a 23 foot variance from the front, nearly 50%.
4. whether the variance will have an adverse effect or impact on the physical or environmental or environmental conditions on the neighborhood or district? SD says the berm is really the point of concern and the fence is clear of that.

5. whether the difficulty was self created? SD said yes; the mitigating factor would be to follow the current setbacks but which would be undesirable to the applicant.

Chairman asks that the setbacks on all sides be restated for clarity: The rear setback will be on the property line which will be a 100% variance from 25 feet. Corey states it will be in a few feet and require clearing some downed trees and brush. Chairman continues that the left side (Crestview Dr), would be a 50% variance, 25 feet from the required 50 feet to the center of a town road; on the right side, the variance would be 100% as it will be on the property line. The neighbor on that side has walked the property line with Corey and is on board with the placement of the fence.

SD moves that the board votes on granting the variances as defined: front 23 foot variance for fence 27 feet from center of Rte 203; rear 100% on the property line; left side 50% variance from Crestview; and right side 100% variance on the property line.

Chairperson asks how to define the radius of the corner off the corner of the road. LG said the radius will not be closer than 35 feet from the grass edge of both 203 and Crestview. And the radius of the corner to meet up with the 27 foot setback on the front of the property.

SD asks for further discussion and repeats the motion that the board accept the variances as defined for front, rear and sides and fence along radius (corner) can be no closer than 35 feet from the edge of 203 transitioning on to Crestview and can't be any closer than 35 feet to that edge. Chairman seconds; no further discussion; all in favor; motion passes and variances are granted.

Chairman describes the minutes will memorialize the variances which, when approved, will be attached to the resolution that will be filed with the town clerk. The applicant was advised he can proceed with the Building Department for the permit to build the fence. Chairman thanked the public and assured them their concerns are taken seriously.

NEW BUSINESS

Application for an Area Variance for new structure on an undersized lot from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18 Applicant, Austin Coon, described replacing a similar structure on the same footprint as a previous mobile home on a foundation that has been demolished. There is a well, electric and septic on the property. The surrounding parcels are also undersized. It is largely a wooded lot and the new structure would be toward the back of the lot, backing up to the pond on PS21 property (approximately 100+/- feet), slightly elevated and not visible from the road. LG asks what is the production of the existing well? Your bank will probably want that too. If you know who drilled it, they would know. Austin says he does not know who drilled it so long ago, but can get Claverack Pump to test it before the next meeting.

Chairman has the applicant fill in the blanks on the SEAF (Short Environmental Application Form). Chairman describes that because it's an undersized lot, there still needs to be setbacks for a structure. It is not really an area variance but a variance in terms of the permitted use on a smaller lot. Chairman wants to check with the town attorney for an opinion whether it can be considered a Type II SEQRA.

Chairman moves that the application, as amended tonight (SEAF) complete, pending further input from the applicant regarding the well and response from the town attorney, SD seconds, all in favor, motion carried that the application is complete. A public hearing notice will be published and applicant will mail notify abutting neighbors 10 days' prior to the next scheduled meeting, Thursday, July 27. Receipts for those letters to be submitted to the clerk.

Chairman asks for a clearer idea of the footprint of the proposed building with dimensions and with setbacks from. Please provide before publication of the public hearing.

Approval of Minutes: from prior month's meeting, May 25, 2023 Chairman commented on the minutes to generally keep the quotes in third person and moves to accept them as written; AO seconds, all in favor, motion carries that minutes are approved for the meeting of May 25, 2023.

Other Business:

Chairman asks for a post mortem discussion on Corey Schaeffen application. He felt that from the beginning the narrative describing the lines was very fluid and somewhat confusing as to what he was asking whether it was from the centerline of the road or from the edge of the road. Submission on his materials seemed mixed. Chairman apologized for not leading the board with clarity, but it is not really the responsibility of the board. LG commented that he asked the applicant multiple times about where the fence will be in relation to the trees. He didn't see any issue with the board trying to pin him down on his dimensions. The number suggested he use off Rte 203 (27 feet vs original 25 feet) wasn't an attempt to make him change, but he didn't have to accept that. Chairman said because it was a fluid plan, he doesn't think the board influenced him too much, but with the questions that were asked, the applicant changed his request and it seemed like a good compromise especially in view of the neighbors' concerns. In this instance, we didn't have exact dimensions. Does the board feel that in the future, the board makes sure the diagrams are accurate to the proposed request? SD said the applicant seemed initially hostile regarding questions on specificity, almost like it was a bother. He changed over time to provide more information to get his desired outcome. SD still believes the fence line is not the issue but the berm on Rte 203, and the question was whether the fence line might obscure the sight view. The side radius on Crestview was ambiguous and perhaps we should have been more insistent on that dimension, but SD is confident it will not impede the sight line. LG said the 35 feet from the edge meets that criteria and with his final distance of 40 feet from the corner, it surpasses what his neighbors had requested. SD thinks the Zoning Code on fences is way too ambiguous and unrealistic - there are more non-complying fences around - it leaves too many instances for variances.

Adjournment Chairman moves to close the meeting; SD seconds; all in favor; meeting adjourned at 8:56 pm. Next Meeting Date: Thursday, July 27, 2023, 7pm.

Respectfully Submitted 7/2/2023
P. Fallon, Zoning Board Clerk

Date: THURS., JUNE 22, 2023

Cory Scharfman	6 Crestview Dr.
Brian Wash	3901 Rte 203
Andrew Stanley	11 crestview Dr.
Jeff Antalek	100 Sullivan RD.
Linda Murawski	33 RIDGEVIEW DR
Elizabeth Smith	156 CRESTVIEW DR